

In re Patent Application of:  
MAY ET AL.  
Serial No. 10/790,641  
Filing Date: MARCH 1, 2004

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REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for correctly withdrawing the previous rejections of the claims in light of Applicants' prior response. The Examiner issued a provisional obviousness-type double patenting rejection for Claims 1, 4-13, 16-21, 24-27, and 30-42 over co-pending application Serial No. 10/790,479. Applicants have enclosed a Terminal Disclaimer herewith to overcome this rejection.

Applicants submit that all claims are patentable, present arguments below supporting such patentability, and respectfully request that the Examiner withdraw all pending rejections and allow all claims.

I. The Claimed Invention

The present invention is directed to a mobile wireless communications device. As recited in independent Claim 1, for example, the device includes a wireless transceiver and a controller cooperating therewith for receiving text messages from a wireless communications network. The controller is switchable between a normal message mode and an audio message mode. The device further includes a user interface device connected to the controller for receiving at least one audio mode filter parameter from a user, and a headset output connected to the controller. The controller, when in the audio message mode, selects received text messages based upon the at least one audio mode filter

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parameter, and outputs audio messages comprising speech generated from the selected text messages via the headset output, the controller switching between the normal message mode and the audio message mode based upon a connection between the headset output and a headset.

Independent Claim 33 is directed to a similar mobile wireless communications device, and independent Claim 13 is directed to a related communications system. Furthermore, independent Claims 21 and 38 are directed to related methods, and independent Claim 27 is directed to a related computer-readable medium.

## II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 13, 21, 27, 33, and 38 over Koskan in view of Kuboyama et al. Koskan discloses a communications device (i.e., cell phone) to be worn by a user that is coupled to a headset by a communication link. The communications device is operable in first and second operating modes. When in the first operating mode, the device receives and presents text-based messages in human readable form to the user via a user interface. When in the second operating mode, the received message is converted to audible form using a text-to-speech synthesizer and presented to the user via the headset. In one embodiment, the communication device automatically switches to the second operating mode based upon a

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characteristic of the received message, such as a keyword present in the received message or an indication of the message type.

The Examiner correctly notes that Koskan fails to disclose switching between the normal message mode and the audio message mode based upon a connection between the headset output and a headset and looks to Kuboyama et al. to supply this deficiency. Kuboyama et al. discloses a communication device comprising a headset coupled to internal circuitry by either a wire or a wireless connection. (Paragraph 55). Determination means detects when the headset is connected to the communication device and outputs text information to a display when there is no connection, and to the headset when there is a connection. (Kuboyama et al.: e.g., Paragraphs 9-11, 23-25, 55-56, and 60). Kuboyama et al. teaches that this particular functionality is intended to avoid accidental disclosure of private text information over the onboard audio speaker of the communication device in a public place. (E.g., Paragraphs 5, 62, 80, 85).

The Examiner contended that a person of ordinary skill in the art would consider it obvious to modify Koskan to include determination means of Kuboyama et al. for detecting when the headset is connected to the communication device, for outputting text information to the display when there is no connection, and for outputting to the headset when there is a connection. The Examiner contended that the person of ordinary skill in the art would be motivated by "the arrangement [] providing one method among many possible methods, to automatically direct audio output

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to the headset based on detection of connection status of headset to the communication device as taught by Kuboyama."

Applicants submit that the Examiner's proposed combination of Koskan and Kuboyama et al. is improper because the references teach away from such a selective combination, and because the modification of Koskan changes its principle of operation. More particularly, Koskan discloses that "[t]he device operating mode is preferably user selectable." (Col. 2, lines 5-6). Koskan discloses that the user interface of the communication device includes a selectable mode switch. The user manipulates the selectable mode switch to toggle the communications device between first (display mode) and second operating modes (headset mode). (Col. 2, lines 33-34). Therefore, Applicants submit that the person of ordinary skill in the art would be taught away from modifying Koskan to switch between modes automatically since Koskan expressly teaches that user controlled toggling between modes is desired.

Moreover, it appears that Koskan and Kuboyama et al. address different problems, and, for this reason also, would lead the person of ordinary skill in the art away from such a selective combination. For example, Koskan addresses the problem where the user is engrossed in a physical activity or within an environment that prevents access to the communications device. (Col. 1, lines 24-37; & Figure 1). Ostensibly, the reason why Koskan prefers the selectable mode switch is to allow the user to

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toggle the communications device between different modes prior to such activity necessitating the headset.

Differently, Kuboyama et al. addresses a privacy concern related to having text messages audibly announced in a public place. (Paragraph 5). The switching between modes based upon connection to the headset is intended to address the privacy concern, i.e. outputting to audio only when the headset is attached. The automatic mode switching of Kuboyama et al. appears to be inapplicable to the purpose of Koskan, i.e. switching when environmental or physical factors prevent user access to the device, since these same factors would prevent the user from connecting the headset to the communications device, for example, in wireless connection embodiments, by reducing physical displacement between the headset and communications device, and in wired embodiments, by coupling a wire between the headset and the communications device.

Indeed, in Kuboyama et al., the toggling of modes based on connection between the communications device and the headset is intended to alleviate the problem of the user forgetting to toggle the manual switch. Because of all these reasons, Applicants submit that the person of ordinary skill in the art would be taught away from the Examiner's proposed combination of Koskan and Kuboyama et al., and would also consider such a selective combination to change the principle of operation of Koskan.

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Accordingly, it is submitted that independent Claims 1, 13, 21, 27, 33, and 38 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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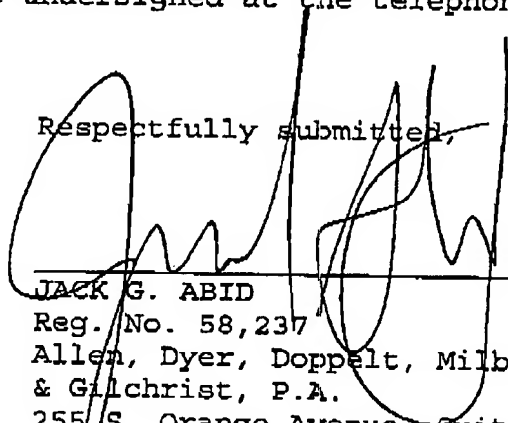
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CONCLUSIONS

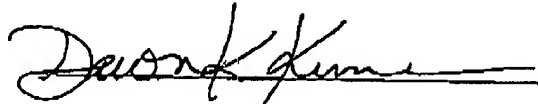
In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 22nd day of June, 2007.

  
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David K. Kline